

MuckRock News  
DEPT MR 62570  
411A Highland Ave  
Somerville, MA 02144-2516  
62570-28132834@requests.muckrock.com

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19-F-0915

Department of Defense, Office of the Secretary of Defense  
FOIA Office  
1155 Defense Pentagon  
Washington, DC 20301-1155

February 8, 2019

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on Oct. 18, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com  
E-mail (Preferred): 62570-28132834@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News  
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PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Oct. 18, 2018:

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Records mentioning or generated as a result of liaisons and contacts between CIA officials and the following OSD personnel:

MuckRock News  
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SATO, Frank - Deputy Assistant Secretary of Defense

For the purposes of this request, the words "contacts" and "liaisons" are being used in the way CIA used them in CIA-RDP78-00300R000100090121-9 (dated 1975), which officially disclosed these relationships. A copy of the file can be found at <https://www.cia.gov/library/readingroom/docs/CIA-RDP78-00300R000100090121-9.pdf>. This request may be limited to the beginning of 1970 through the end of 1979.

I am a member of the news media and request classification as such. I have previously written about the government and its activities, with some reaching over 100,000 readers in outlets such as MuckRock, Motherboard, Property of the People, AND Magazine, Unicorn Riot, and more. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through non-profits such as the library Internet Archive and the journalist non-profit, MuckRock, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance.

Additionally, case law states that "proof of the ability to disseminate the released information to a broad cross-section of the public is not required." Judicial Watch, Inc. v. Dep't of Justice, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see Carney v. U.S. Dep't of Justice, 19 F.3d 807, 814-15 (2d Cir. 1994). Further, courts have held that "qualified because it also had "firm" plans to "publish a number of . . . 'document sets'" concerning United States foreign and national security policy." Under this criteria, as well, I qualify as a member of the news media.

Additionally, courts have held that the news media status "focuses on the nature of the requester, not its request. The provision requires that the request be "made by" a representative of the news media. Id. § 552(a)(4)(A)(ii)(II). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information." As such, the details of the request itself are moot for the purposes of determining the appropriate fee category.

As my primary purpose is to inform about government activities by reporting on it and making the raw data available, I request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

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Sincerely,

Emma Best

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